

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|--------------------------------------|---|----------------------|
| ZAKIYYA SHABAZZ, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 3:07-0653 |
| |) | Judge Echols |
| ASURION INSURANCE SERVICE and |) | |
| ASURION CORPORATION, |) | |
| |) | |
| Defendants. |) | |

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, “Plaintiffs’ Aemended [sic] Motion to Conditionally Certify Class and Facilitate Class Notice” (Docket Entry No. 33) is hereby GRANTED IN PART and DENIED IN PART as follows:

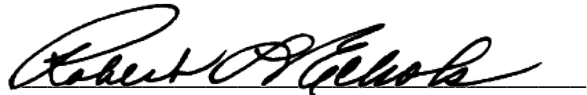
(1) The Motion is hereby GRANTED with respect to all hourly, non-exempt employees of Defendants whose primary job responsibility was or is handling calls from customers and who performed uncompensated work since June 19, 2004, at Defendants’ call centers at 648 Grassmere Park and 5040 Linbar Drive in Nashville, Tennessee; and

(2) The Motion is hereby DENIED with respect to Plaintiffs’ request for class certification and issuance of notice to employees of Defendants’ Houston, Texas call center. Said denial is without prejudice to Plaintiffs’ right to seek class certification and notice in relation to the Houston, Texas call center should discovery in the matter warrant such a request.

Defendants shall produce to Plaintiffs the names and last-known addresses of all non-exempt hourly employees whose primary job responsibility was to handle customer calls at Defendants' two call centers in Nashville, Tennessee from June 19, 2004, to the present. Such production shall occur within ten (10) days of the date of entry of this Order.

Counsel for the parties shall meet face-to-face and confer in an effort to arrive at a stipulated proposed Notice which apprises the conditional class of the general nature of Plaintiffs' claims and Defendants' defenses, and sets forth a deadline for potential Plaintiffs to opt-in to the lawsuit. Any such stipulated proposed Notice shall be filed within ten (10) days of the date of entry of this Order. If counsel for the parties cannot come to an agreement on the language of the Notice, Plaintiffs shall file a proposed Notice within ten (10) days of the date of entry of this Order. Defendants may file any objections to the proposed Notice and file their proposed notice within fifteen (15) days of the date of entry of this Order.

It is so ORDERED.


ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE